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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,020	11/25/2003	Wolf-Dieter R. Berndt		8850

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EXAMINER	
PATEL, RITA RAMESH	
ART UNIT	**PAPER NUMBER**
1746	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/723,020	BERNDT ET AL.	
	Examiner	Art Unit	
	Rita R. Patel	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 2* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 2* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: in claim 1 applicant uses an open parenthetical sign, however fails to provide a closed parentheses following the first symbol, thus making it unclear as to which limitations are meant to be within a potentially intended pair of parentheses and which are not. Appropriate correction is required.

Claim Rejections - 35 USC § 112, First Paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Terminology critical or essential to the practice of the invention, included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Applicant claims, in line 1 of claim 2, an equipment conversion from "perc or pet solvents", however these solvents are not adequately enabled by the disclosure. In the specification the terms are capitalized differently as "PERC" or "Perc", and "Pet". This divergence in referencing said specific terms creates an ambiguity and is inconsistent. Appropriate correction is required.

Claim Rejections - 35 USC § 112, Second Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the dry cleaning business model algorithm" in line 1 of claim 1; however there is insufficient antecedent basis for this limitation in the claim. Applicant fails to make prior mention of such a limitation in claim 1.

Claim 2 recites the limitation "the dry cleaning equipment conversion" in line 1 of claim 2; however, there is insufficient antecedent basis for this limitation in the claim. Applicant fails to make prior mention of such a limitation in claim 2.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In lines 2-3 of claim 2, applicant requires “preparation of equipment for conversion”, however such a claim limitation is vague and indefinite because it does not provide any specificity in terms of what applicant necessitates by the language “preparation of equipment for conversion”.

Claim 2 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention in lines 4-6 of claim 2; applicant states the phrase “in association with the equipment” three times in this claim, but such language draws no

specific limitation requirement. The claim for filter assembly and filters in association with the equipment, installation of water separator in association with the equipment, and installation of temperature sensor in association with the equipment are vague and indefinite statements.

Specification

The disclosure is objected to because of the following informalities: on page 3 of applicant's Specification, applicant definitively makes reference to the solvent perchloroethylene as "PERC", however, under the Description of the Prior Art, the solvent is written differently as "Perc". These contrasting written references create a disconnect between a defined conventional reference for perchloroethylene and a new reference – this disaccord makes such a reference unclear. Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 9 of Berndt et al. in U.S. Patent No. 6,059,845.

Claim 2 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 15 and 16 of Berndt et al. in U.S. Patent No. 6,086,635.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Berndt et al. (US Patent No. 6,086,635).

In Patent No. '635 Berndt teaches a system and method for extracting water in a dry cleaning process involving a siloxane solvent. The wash cycle is initiated with a dry cleaning fluid including an organo silicone-based siloxane solvent being pumped using a pump 12 (col. 4, lines 3-5). Different types of filtration systems are compatible with

the particular solvent of the present invention, such as but not limited to a spin disc, tubular filtration (flex, rigid, or bump), a cartridge, etc. (col. 4, lines 17-26). A separator 28, as well as, a means for sensing temperature by way of a temperature probe is taught by Berndt in '635 (col. 4, line 43; col. 6, lines 56-60). Lastly, condenser 26 inherently teaches applicant's claim for a steam valve.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berndt et al. (US Patent No. 5,942,007).

In Patent No. 5, 942, 007, Berndt teaches a dry cleaning system and method, that is specially designed or modified machinery used in conjunction with a specific solvent which is derived from an organic/inorganic hybrid (organo silicone) (Abstract); this reads on applicant's claim for dry cleaning equipment which has been converted from use with a non-silicone based cleaning solvent to use with a silicone based cleaning solvent. As further illustrated in Figure 1, the washing method step in step 1 teaches that the garments are placed into machine; this reads on applicant's claim for placing material to be dry cleaned into dry cleaning equipment. Step 2 teaches a wash cycle, whereby the solvent is used to clean items therein; this reads on applicant's claim

whereby the dry cleaning equipment is run through a cleaning cycle which includes contact of the material being cleansed with silicone based solvent. Berndt in Patent '070 then teaches that the solvent is pumped out of the basket back in to the holding tank through a charcoal and/or clay filter system in order to remove the impurities which may have entered the solvent during the washing cycle (col. 3, lines 44-47), as well as, Step 3 comprising a spin cycle and separation of water from the silicone based solvent while the cleaning cycle runs; this reads on applicant's claims for a filtration of the silicone based cleaning solvent while the cleaning cycle runs. Finally the cleaning process is complete when the garments are removed from the machine (col. 4, lines 8-10).

Berndt teaches the claimed invention of claim 2 in Patent '007, however, fails to explicitly recite receiving from a customer material to be dry cleaned and returning thereunto once the dry cleaning has been performed. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate receiving and returning materials to be dry cleaned to a customer, to the teachings of Berndt in '007 to achieve a complete dry cleaning process from start to finish. It is commonly known in the art to perform dry cleaning of materials for a customer, such that the materials are received for cleaning and similarly returned to a customer once the cleaning is done, to achieve increased user friendliness, an effectively streamlined process, and continuity in performing dry cleaning from beginning to end.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RRP

MICHAEL BARR
SUPERVISORY PATENT EXAMINER